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August 29, 2025

VIA ECF

Hon. Chief Judge Margo K. Brodie
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Wang v. Chung Fat Supermarket Inc. et al., Case No: 25-CV-02236 (MKB)(PK)

Dear Chief Judge Brodie:

This firm represents Plaintiff in the above-captioned action. This letter shall serve as Plaintiff's position as to why Xinyu Jiang ("Xinyu") should not be dismissed as a defendant and to request leave to serve him with the Complaint.

Plaintiff's claims of, *inter alia*, retaliation in violation of the NYSHRL and unpaid overtime were initially brought in New York State Court by filing a Summons with Notice on March 6, 2025. This summons named Xinyu as a defendant.

Subsequently, on April 22, 2025, counsel for defendants Chung Fat Supermarket Inc. ("Chung Fat"), Yue Mei Jiang, Xue Feng Jiang, Xinyu and Xin Xin Chiang (collectively, "Corporate Defendants") filed a Notice of Removal to federal court (ECF Doc No. 1). On June 6, Corporate Defendants filed a motion for a premotion conference concerning an anticipated motion to dismiss the complaint (ECF Doc No. 9), which the Court denied citing that Plaintiff still had ample time to file a timely complaint.

Shortly thereafter, on July 15, Plaintiff filed a Complaint (ECF Doc No. 14). Due to inadvertent oversight, Xinyu was not listed as a defendant on the Complaint and was not served. Plaintiff will be amending the Complaint to fix, *inter alia*, this inadvertent error and serve Xinyu with the Complaint so this litigation may proceed against him on the merits.

Xinyu is a pivotal defendant in this action. Plaintiff's counsel recently discovered via deposition testimony in a related matter¹ that Xinyu is the general manager of Chung Fat. Here, Plaintiff is alleging retaliation for assisting a female cashier who complained of being subjected to unwanted and unconsented sexual abuse. Xinyu's direct involvement in this retaliatory conduct makes his participation in this case essential.

¹ Index No. 726022. Plaintiff's counsel is representing Zhao Zhang Shun ("Zhang") in a New York State Queens County action against Chung Fat, Zhi Liang Chen ("Chen"), Chiang and Feng. Zhang was a cashier employed by Chung Fat and alleges that while in the basement, Chen grabbed her and put his hands down her pants. These actions were recorded on video.

Further, it should be noted that, notwithstanding Plaintiff's oversight, the Parties have conducted this litigation under the clear assumption that Xinyu is a named defendant. This is evidenced by Corporate Defendants identifying him as a defendant in their letter to the Court seeking a premotion conference.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Joseph M. Labuda, Esq.

cc: all counsel of record (via ECF)